

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DAVID M. PEREZ,

Plaintiff,

v.

MICHIGAN BELL TELEPHONE COMPANY,

Defendant.

Case No. 12-12337

Honorable John Corbett O'Meara

ORDER OF PARTIAL DISMISSAL

Plaintiff David M. Perez filed an 11-count amended complaint in this court July 25, 2012, alleging the following causes of action: Count I, violations of Title VII, 42 U.S.C. § 2000e-2, for national origin hostile work environment; Count II, the same violations arising under Michigan's Elliott-Larsen Civil Rights Act ("ELCRA"), Mich. Laws Comp. Ann. §§ 37.2101 *et seq.*; Count III, violations of Title VII for national origin discrimination; Count IV, the same violations under ELCRA; Count V, age discrimination under the Age Discrimination in Employment Act, 29 U.S.C. §§ 621 *et seq.*; Count VI, age discrimination under ELCRA; Count VII, disability discrimination under the Americans with Disabilities Act ("ADA"), 42 U.S.C. § 12112; Count VIII, disability discrimination under Michigan's Persons with Disabilities Civil Rights Act ("PDCRA"), Mich. Comp. Laws Ann. §§ 37.1201 *et seq.*; Count IX, failure to accommodate under the ADA; Count X, failure to accommodate under PDCRA; and Count XI, retaliation in violation of ELCRA.

Although Plaintiff's causes of action arising under federal statutes are cognizable in this court pursuant to 28 U.S.C. § 1331, the remaining allegations present claims based solely on state law. This court declines to exercise supplemental jurisdiction over Plaintiff's state law claims in order

to avoid jury confusion. See 28 U.S.C. § 1367(c); United Mine Workers v. Gibbs, 383 U.S. 715 (1966); and Padilla v. City of Saginaw, 867 F. Supp. 1309 (E.D. Mich. 1994).

Accordingly, it is hereby **ORDERED** that Counts II, IV, VI, VIII, X, and XI are **DISMISSED**.

s/John Corbett O'Meara
United States District Judge

Date: September 7, 2012

I hereby certify that a copy of the foregoing document was served upon the parties of record on this date, September 7, 2012, using the ECF system and/or ordinary mail.

s/William Barkholz
Case Manager